

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARBARA MONACO,)	
)	
Plaintiff,)	
)	8:07CV464
vs.)	
)	ORDER
PETCO ANIMAL SUPPLIES STORES, INC.,)	
)	
Defendant.)	

A telephonic conference was held on July 21, 2008, including oral argument on the plaintiff's Motion to Compel [35] and Amended Motion to Compel [38]. Michael P. Dowd represented the plaintiff and Mark A. Fahleson represented the defendant.

Regarding the Motions to Compel, counsel advised that they have resolved their dispute concerning Document Requests Nos. 2 and 7. Defendant's objections to interrogatories are based on the plaintiff exceeding the 25-interrogatory limit. Having considered the parties' written submissions and oral arguments, the court finds that the plaintiff did exceed the limit and the defendant's objections should be sustained; however, plaintiff should be granted leave to serve seven (7) additional interrogatories, including subparts¹ (for a total of 32 interrogatories), said interrogatories to be served no later than August 1, 2008.

IT IS ORDERED:

1. Plaintiff's **Motion to Compel** [35] and **Amended Motion to Compel** [38] are granted in part. Defendant's objections based on numerosity are sustained; however, plaintiff is given leave to serve seven (7) additional interrogatories, including subparts (for a total of 32 interrogatories), on the defendant. Plaintiff shall serve the additional interrogatories no later than **August 1, 2008**. The motions are denied as moot as to the dispute involving Document Requests Nos. 2 and 7.

2. The Rule 16 planning conference is continued to **Monday, October 20, 2008 at 11:00 a.m.**, to be conducted by conference call initiated by plaintiff's counsel.

DATED July 21, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹NECivR 33.1(c) provides:

(c) Number of Interrogatories. For purposes of determining the number of interrogatories, including sub-questions, each inquiry that endeavors to discover a discrete item of information shall be counted as a separate interrogatory. For example, a question which states: "Please state the name, address, and telephone number of any witness to the accident set forth in the complaint" shall be counted as three interrogatories.